

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:10CR3125
)	
v.)	
)	
DELFINO VARGAS-BERNAL,)	MEMORANDUM AND ORDER
)	
Defendant.)	
_____)	

This matter comes before the court on the Defendant's Motion to Withdraw and Appoint New Counsel, (filing no. 32). Defendant states he can no longer afford retained counsel and he seeks appointed counsel.

The court does not have a financial affidavit of record for this defendant, and based on the information in the pretrial services report and the defendant's representations during court hearings for release, it is unclear whether the defendant lacks sufficient assets to afford counsel.

IT IS THEREFORE ORDERED:

- 1) The defendant shall complete a CJA23 financial affidavit, a copy of which is attached, and **send it to the chambers of the undersigned magistrate judge.**
- 2) Upon receipt of defendant's financial affidavit, the court will consider the defendant's motion for appointed counsel.

DATED this 28th day of January, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge

CJA 23		FINANCIAL AFFIDAVIT	
Rev. 5/98		IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE	
IN UNITED STATES <input type="checkbox"/> MAGISTRATE <input type="checkbox"/> DISTRICT <input type="checkbox"/> APPEALS COURT or <input type="checkbox"/> OTHER PANEL (Specify below)		<div style="border: 1px solid black; padding: 2px; text-align: center;">LOCATION NUMBER</div>	
IN THE CASE OF		FOR	
_____ V.S. _____		AT	
<div style="border: 1px solid black; height: 40px; width: 100%;"></div>		<div style="border: 1px solid black; height: 40px; width: 100%;"></div>	
<div style="border: 1px solid black; height: 40px; width: 100%;"></div>		<div style="border: 1px solid black; height: 40px; width: 100%;"></div>	
PERSON REPRESENTED (Show your full name)		<div style="border: 1px solid black; padding: 2px;"> 1 <input type="checkbox"/> Defendant—Adult 2 <input type="checkbox"/> Defendant - Juvenile 3 <input type="checkbox"/> Appellant 4 <input type="checkbox"/> Probation Violator 5 <input type="checkbox"/> Parole Violator 6 <input type="checkbox"/> Habeas Petitioner 7 <input type="checkbox"/> 2255 Petitioner 8 <input type="checkbox"/> Material Witness 9 <input type="checkbox"/> Other _____ </div>	
CHARGE/OFFENSE (describe if applicable & check box →) <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor		<div style="border: 1px solid black; padding: 2px;"> DOCKET NUMBERS Magistrate District Court Court of Appeals </div>	

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

ASSETS	EMPLOYMENT	Are you now employed? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Am Self-Employed Name and address of employer: _____ IF YES , how much do you earn per month? \$ _____ IF NO , give month and year of last employment How much did you earn per month? \$ _____									
	OTHER INCOME	If married is your Spouse employed? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES , how much does your Spouse earn per month? \$ _____ If a minor under age 21, what is your Parents or Guardian's approximate monthly income? \$ _____									
	CASH	Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input type="checkbox"/> Yes <input type="checkbox"/> No <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> RECEIVED IF YES, GIVE THE AMOUNT RECEIVED & IDENTIFY THE SOURCES \$ _____ _____ _____ </div> <div style="width: 45%;"> SOURCES _____ _____ _____ </div> </div>									
	PROPERTY	Have you any cash on hand or money in savings or checking accounts? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES , state total amount \$ _____ Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES, GIVE THE VALUE AND DESCRIBE IT <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; text-align: center;">VALUE</th> <th style="width: 50%; text-align: center;">DESCRIPTION</th> </tr> </thead> <tbody> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> </tbody> </table>	VALUE	DESCRIPTION	_____	_____	_____	_____	_____	_____	_____
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_____	_____										
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OBLIGATIONS & DEBTS	DEPENDENTS	MARITAL STATUS _____ SINGLE _____ MARRIED _____ WIDOWED _____ SEPARATED OR DIVORCED Total No. of Dependents: _____ List persons you actually support and your relationship to them _____ _____ _____														
	DEBTS & MONTHLY BILLS <small>(LIST ALL CREDITORS, INCLUDING BANKS, LOAN COMPANIES, CHARGE ACCOUNTS, ETC.)</small>	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%; text-align: left;">CREDITORS</th> <th style="width: 20%; text-align: center;">Total Debt</th> <th style="width: 40%; text-align: center;">Monthly Paymt.</th> </tr> </thead> <tbody> <tr> <td>APARTMENT OR HOME: _____</td> <td style="text-align: center;">\$ _____</td> <td style="text-align: center;">\$ _____</td> </tr> <tr> <td>_____</td> <td style="text-align: center;">\$ _____</td> <td style="text-align: center;">\$ _____</td> </tr> <tr> <td>_____</td> <td style="text-align: center;">\$ _____</td> <td style="text-align: center;">\$ _____</td> </tr> <tr> <td>_____</td> <td style="text-align: center;">\$ _____</td> <td style="text-align: center;">\$ _____</td> </tr> </tbody> </table>	CREDITORS	Total Debt	Monthly Paymt.	APARTMENT OR HOME: _____	\$ _____	\$ _____	_____	\$ _____	\$ _____	_____	\$ _____	\$ _____	_____	\$ _____
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_____	\$ _____	\$ _____														
_____	\$ _____	\$ _____														

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date) _____

SIGNATURE OF DEFENDANT
(OR PERSON REPRESENTED)

